

APHORISMES OF STATE:

OR

Certaine secret ARTICLES for the re-
edifying of the ROMISH CHVRCH agreed vpon,
and approued in Councell, by the Colledge
of Cardinalls in Rome, shewed and deliuered
vnto Pope Gregory the 15, a little
before his death.

*Whereunto is annexed a censure vpon the
chiefe points of that which the Cardinalls
had concluded.*

By THO. SCOTT.

Very needfull and profitable for all those, who are
desirous to vnderstand the extent of the restitution of the
PALATINATE: And of the state of the Prince-
Electors, of Saxony and Brandenburg,
in the behaue of the Clergie
in Rome.

Fit for the Brittish Nation, especially to take notice
of, that they may euidently see the issue of all our Treaties,
Ambassages, and Promises, with other hopes depending
whereon we haue bene long held in suspense,
and are still like to be, to our verie
construable losse.

Faithfully Translated according to the Latine, and
Netherlandish Dialects into English.

Printed at Vtrecht. 1624.

APPENDIX

OF THE

REPORTS OF THE
COMMISSIONERS OF THE
LAND OFFICE
IN RESPONSE TO A
RESOLUTION OF THE
HOUSE OF COMMONS
PASSED IN 1841

IN ANSWER TO A
QUESTION PUT BY
MR. G. C. L. B. M.
ON THE 12TH MARCH 1842

BY THE
COMMISSIONERS OF THE
LAND OFFICE
IN RESPONSE TO A
RESOLUTION OF THE
HOUSE OF COMMONS
PASSED IN 1841

FOR THE
COMMISSIONERS OF THE
LAND OFFICE
IN RESPONSE TO A
RESOLUTION OF THE
HOUSE OF COMMONS
PASSED IN 1841

PRINTED BY
H. K. L. B. M.
IN THE YEAR 1842



New vnheard of, and strange Articles.

The first Article.

WHereas *Maximilian* the Duke of *Banaria*, for the establishing the state of his Prince-Electorship, hath sought vnto the authority of the *Apostolicall* seat, thereby hath the *Apostolicall* Church obtained oportunity, to recover their lost obedience in the denied Ecclesiasticall iurisdiction.

The 2. Article.

Since the Pope of *Rome* by means of the present Duke of *Banaria*, as being the most obedient sonne of the Church, may obtaine againe the Rights, which for thesetwo hundred yeares and more, haue bene lost in the constituting of certaine things, and orders in the Empire belonging to the Church, it will bee a very small labour, to plucke the possession of the Church goods, which depends vpon the Ecclesiasticall rights, out of the hands of the Hereticks.

The 3. Article.

WHereas the Duke of *Banaria*, according to the speciall *Orab.* made vnto the Church, hath an earnest desire, to restore againe the Ecclesiasticall State, as it was before the time of Pope *Gregory* the eleuenth, The Hereticks (who are the temporall Arme of the Empire) shall be bound to restore againe those goods which they haue possessed since the passawith trans-action.

The 4. Article.

Since that it properly appertaineth to the Church to discern and take notice of the state and order of the Empire, therefore those

New unheard of

those Hereticks which deny this antiquity, and the rights of the Church in the state and order of the Empire, which now by the Duke of *Banaria* shall be reestablished in time to come, are not to be tolerated.

The 5. Article.

Since that Pope *Leo* the third, had that power in respect of the heresie, to cut off, and separate the Easterne authority from the Westerne; and to plucke that from the Grecians: wherefore shall not the Pope now haue the same power, to take the Prince Electorship from the *Palsgrane*, as being an Arch-hereticke, and transport the same vnto the Duke of *Banaria*, the most obedient sonne of the Church.

The 6. Article.

Since that the diuision of the Easterne Empire, from the Westerne, which was performed by the most blessed Pope, *Leo* the third, hath continued so firme and sacred euen to this very time: that although the Westerne Empire hath often times bene voyd of a possessor, was neuer as yet united vnto the Easterne Empire, nor the lawes of the one in the Prouinces of the other were euer of force: wherefore then shall not the diuision of the Prince Electors dignities of the *Palsgrane* that arch-hereticke, be maintained vpon the most Catholique Duke of *Banaria*, in the like sanctity of perpetuity and stability, by the Pope and the Holy league.

The 7. Article.

Since that the transport of the Empire from the Grecians vnto the French, performed with such a free will, and such an actiue power by Pope *Leo*: The Grecian Emperours themselves, although they were the strongest, durst neuer oppugne the same, may haue many times & often very significantly commended and firmly kept the same, in like manner the ability not the opposition of the arch Heretick, the *Saxons* who is yet remaining, may not hinder, much lesse make opposition to the transport of the Prince Electors dignity, vnto the most Catholique Duke of *Banaria*: in regard that he as being an Heretique, and not knowing the sanctity.

and strange Articles.

sanctity, nor the antiquity of the right, originall of the Empire, and ignorant of the lawes and priuiledges thereof, may not enioy that right.

The 8. Article.

WHen as *Fredericke* the first, according to the will and pleasure of Pope *Alexander* the third, was detrudd from the Emperiall seate, then *Emmanuel Commensan* presented both men and money vnto the Pope against *Fredericke*, to the end the Greeke Church might bee vnited to the Latines: by which vndoubtedly he confesseth, that to establish and fortifie the Popes cutting off, and transport, and the vnitng of one Kingdome with another, was forbidden: all men whatsoeuer, saue onely the Pope, who had first seperated them; so in like manner these things like as they also be, so is it true that the Pope with the Holy league, are bound to employ all their power against the Arch-Hereticke the *Saxon*, and all those Rebels that depend vpon him: that the Sanctity of the Apostolicall See, and the Antiquity of the Romish Empire in the transport of the Prince Electors dignity, might be preferred and maintained.

The 9. Article.

After Pope *Leo* haue other Popes also, onely by the authority of their Chaire, very often transported the sayde Westerne Empire from one Nation to another; wherefore then may not the Pope by the same authority of the Chaire of *Rome*, plucke the Prince Electors dignities out of the hands of the Hereticke, and transport the same to the Catholique Princes, to the end that the sacred Essence of the Romish Empire, by the extirpation of Hereticke, be againe established.

The 10. Article.

VHereas in all right, Pope *Boniface* the eight, vnto whom the supreme authority in the Church belonged, would

New unheard of

would not admit that *Albert* the first of that name, Emperour of the Romans, by right of inheritance might come to the Empire, like as he had sought both for himselfe and for his posterity and successours, but onely by election: In like manner may the Pope, the Emperour, and the holy league, without violating the Apostolicall seate, which alwayes to be kept sacred in her antiquity, must be defended, nor to suffer the Saxon and the Brändenburger, that they should seeke to draw the authority of the Antiquity in the transport of the Electorship from the Chaire of *Rome*, to bring the same to the Colledge of the Prince Electors.

The 11. Article.

P*Hilip* King of the Francks, sent Ambassadors to *Abignon* vnto Pope *Clemens* the fifth: That they very humbly should entreate him, that hee would restore the Empire againe to the French, vnder whom before it had bin. Then did the Pope send Ambassadors vnto the Prince Electors, by whom hee commanded them, that they should chuse *Henry* of *Lutzenburgh* Emperour: And that if they did the contrary, that they should incurre greate danger, and should forsaite the Empire, and the right of their Election vnto others for euer; whereupon they presently assembled, and elected *Henry* Emperour. From all this very plainly appeareth, that the French assuredly knew, that it was in the Popes power to establish the Emperiall command in their Kingdome, and to transport from the Germanes the Empire and the right of the Election: and therefore may the Pope according to the plenitude of his power, no longer vse conuience, when as these Arch-Hereticks, the Saxon and the Brändenburger, would throw downe into hell, the antiquity and order of the Empire.

The 12. Article.

IT is in the Popes hands, as in all Histories appeareth to renew the Emperour in their Empire, to transport the authority of one Nation vnto another, and vtterly to abolish the right of Election: hey wickedly and vngodly then doth the Saxon, in labouring to plucke the sayd power from the Chaire of *Rome*, and to vntie the same vnto the Colledge of the Prince Electors? By this meanes

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meanes the Pope of *Rome* and the Emperour may expect, that from this permission the rest of the *Arch-Hereticks*, the *Saxon* and the *Brandenburgher*, may change the Essence of the holy Church, and of the Empire, into an abominable and cursed monster.

The 13. Article.

Since that *Wenceslaw* by reason of his follies, by the Prince-Electors, was deposed from the Emperiall seat, and contrarily *Roberts Palgrave* of the *Rhine*, by the command and authority of Pope *Boniface* the 9. ascended to that high dignity. In like manner also is the *Palgrave* that Arch-hereticke, because he had committed high treason, and had disturbed the Common-peace of the Emperour and the Empire, detrued from his Prince-Electorship: And contrarily for the recouering of the Antiquity, the Emperour with the sacred and true Prince-Electors, as saue obedient to the Church, and diligent in maintaining Antiquity by Commission from the Pope, hath promoted *Maximilian Duke of Bawaria* in all right vnto that high degree of Prince-Electorship.

The 14. Article.

SO that by the Authority of the Apostolicall seate, the power of Electing an Emperour, and a Prince-Elector: is drawne into the number of seauen Princes: yet whereas according to the Concession of *Gregory* the 3. it appertained vnto all the Princes of *Germany*: also by the same plenitude of power, it is lawfull for the Pope to cut off the Dignity of the Prince-electorsshippe, from the *Palgrave* and his heires, and to transport the same vnto the Duke of *Bawaria*.

The 15. Article.

THe plenitude of the power of the Apostolicall seate, is prooued by the publique documents, as is the Election of *Rudolphe of Habsburgh*, *Adolphe*, *Henry* the 7: *Charles* the 4. *Wenceslaw*, and *Rupertus*, who had no other stability, but from the grant and consent of *Nicholas* the third, *Boniface* the 8. *Clement* the 5. *Clement* the 6. *Gregory* the 11. and *Boniface* the 9. which publique documents are kept with the Writings of the Apostolicall seate.

New unheard of

The 16. Article.

TO the end that the Antiquity of the Empire may the better be manifested, that the Pope and the Church hath onely the power to take notice, discern, and to dispose of the affaires of the Empire: Therefore the Emperour is Crowned with the Crowne by the Pope, who therein hath the highest authority, and this worke effected, then is he establisht in the Emperiall seate: Therefore all Doctors doe agree herein, that hee that is Crowned by the Pope, hath the power onely to beare the title of Emperour and *Augustus*: To signe with the signe of the golden Bull, and to take upon him the administration of the Empire: and when the Prince is not crowned by the Pope, he is rightly forbidden to use the same.

The 17. Article.

AT what time a great contention was risen betweene *Charles* the balde King of the Francks, and his brother *Lodowicke* in the behalfe of the Empire. Then presently *Charles* passed unto *Rome*, and so with gifts and entreaties obtained the Crowne: And therefore according to the forme of Antiquity, the Pope onely hath the power to take notice of matters of the Empire: and therefore the Germane Hereticks doe very ill in saying, That the same belongeth to the Colledge of the Prince Electors.

The 18. Article.

Since that *Fredericks* the first, by the Bishop of *Bamberghen*, required the Crowne of the Empire from Pope *Adrian* the 4. (where the words vnder-written are used and placed to expresse the same sence) from whence very plainly appeareth, that hee that receiveth not the Crowne out of the Popes hand, is in very deepe no Emperour. Therefore most holy Father, fulfill without any longer delay, that which *Maximilian* the Duke of *Bavaria* wanteth in the plenitude of the Dignity of his Prince-Electorship, that the same may be accomplished by your Holinesses liberality, to the end the Empire may be reduced and brought into its olde fashion againe.

and strange Articles.

The 19. Article.

Since that in the disposing and ordering of the affaires of the Empire, the Popes respect onely extendeth so farre, that it now and then hath beene vexed, suppressed, nay hath beene wholly and totally circumvented and defrauded; like as many Histories doe testifie, what hath passed betwene Pope *Gregory* the 7. and the Emperour *Henry* the 4. betwene Pope *Alexander*, and the Emperour *Fredericke*: the first, betwene Pope *Innocent* the third, and the Emperour *Ottoman* the fourth, betwene Pope *Innocent* the fourth, and the Emperour *Fredericke* betwene Pope *John* the 21. and the Emperour *Lodowick* the 4. betwene Pope *Boniface* the 9. and the Emperour *Wenceslaus*. By the same respect hath the Pope that vndoubted right to take notice of the affaires of the Emperour, and to discerne thereof, and not the Colledge of the prince Electors.

The 20. Article.

Since that the power of the Electing the Emperour, was not purchased for money by the prince Electors, nor obtained by force of Armes, nor enjoyed by right of Inheritance, nor be-
falne vnto them by the hands of the Emperors, but is descended from the authority of the Apostolicall seat: Therefore it is not lawfull for the Germane Arch-hereticks, now at this present to be-
leeue any otherwise, thereby to molest the Antiquity and Sanctity of the Empire.

The 21. Article.

When as for a long time the custome of Electing the Emperour had beene in vse, according to the constitution of Pope *Gregory* the 5. by the Intercession of all the Chiefest and princes of *Germany*, and that many troubles and deuisions arose by the great diversity of voyces in their Election; The Empire is at last become to nought; So that the Chiefes and Princes with one accord (according to the decree and approbation of the apostolicall seat) were agreed, that all the power which was graunted vnto them, all of pope *Gregory* the 5. should descend vn-

to sixe Princes onely; *viz.* to three spirituall and three temporall, vnto whom afterwards the seauenth was adioyned, and solemnly concluded, that of these alone, without admitting any other thereunto (from henceforth the Emperour should be chosen) although they were of the like faculty, power, and authority.

The 22. Article.

Like as in former time the Election was performed by vertue of the graunt of Pope Gregory the first. The same shall now at this present (by the same power proceeding from the good pleasure of the Popes transport) be effected by the seauen. And like as in olde time, the Popes commanded all the Chiefes and Princes of *Germany*, that they should chuse an Emperour, euen so at this time when neede requireth, it shall be lawfull for the Pope to command the seauen Prince Electors, who doe represent the Assembly of all the princes there. And like as the seauen Prince Electors doe enioy a like power that authority of right, which in olde time the Princes of *Germany* enjoyed: in like manner the Pope doe enioy wholly that authority which they had in the time of that Assembly, in regard that through proceesse of yeares, or length of time, the vigour of the Church deminisheth not, nor the rights of the Apostolicall seat doe wax decrepitate: How great then is the ignorance of those Doctors and Councillours of the Germane Arch-heretickes, which neither know the antiquity nor the Rights: But according to their malicious conceit, are not ashamed to peruert the Antiquity and Sanctity of the Empire into nouelty, and to bring order into confusion.

The 23. Article.

Since then it hath beene very amply proued, and shewed to this Holinesse, that the power as well of the new as of the olde Prince Electors to Elect Emperours, hath beene obtained by no other meanes, but from the most high Apostolicall seat, which may be approued by the Writings of the most famous Authors, as *Iacob Wimphilingis*, *Kramzins*, *Nauceleri*, *Carion*, *Auentinus*, *Cuspinianus*, and other Transmontanian Writings, omitting the Italian Doctors, because that they in this point of controuersie, might peraduenture come in suspicion to be corrupted, and by that meanes

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meanes might be reiected, of the Germane Heretickes. Therefore * *The rest that should follow, must be taken from the former.*
it is,* &c.

The 24. Article.

Since the seauen Prince Electors, by the publick proofes of writings, subscribed with their owne hands and Seales, doe not deny that the faculty of Electing Emperours, is descended vnto them from the Apostolicall seat, & if the ignorant Counsellours of *Saxon* and *Brandenburg*, will not beleene the same, the Writings themselves shall be produced and laid open before them, which doe approue the same, dated in the yeare 1279. when *Nicholas* the third was Pope and *Rudolphus. Habsburgensis* was Emperour, which are whole and good, in parchment, remaining with the Secretarie of the Castle of Saint *Angelo*: where the seauen Prince Electors most of them vse these wordes. "The mother Church of *Rome* in times past, as with a naturall "loue embracing *Germany*, hath as with a present of temporall "dignities honoured the same, with that which is aboue all names, "onely as temporally vpon the earth, planting Princes therein, as "godly Trees, and watting the same with a singular grace, and "hath giuen vnto them that growth of worldly power; that they "being supported by the authority of the same Church, as a "choyle and famous plant, may cause to spring or grow vp by "their Election, him who hath the reynes of the *Romane Empire* "in his hand. Therefore it is,* &c.

* Here lacketh something which is to be conceived out of that which goeth before.

The 25. Article.

THe seauen Prince Electors must confesse to haue this power from the Apostolicall seat, like as sufficiently is proued in the former Article. And contrarily no man can take away the same; without the authority and consent of the same Apostolicall seat. If it be taken from any, as being robd thereof, it must not be esteemed as lawfully done, and that dignitie which after that manner is taken from one, and transported to another without the Popes consent and authority hath no vigour, in regard the same is taken and giuen by them, whom in all right it is forbidden. Therefore if it be bestowed vpon any man after this manner, in proceesse of time, taking the right title, he shall not keepe the same.

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The 26. Article.

Since that the transport of the dignities of the Prince-Electorship vnto this present line of *Saxon*, is not establisht by the most holy Apostolicall seate; Therefore the Pope and the Emperour for the dealing of the transport of the Electorship vnto the Duke of *Bawaria*, shall not once be moued, but his exception against the Transport, shall not be esteemed for no exception: for that which is lawfully done, and simply is not done, is all one.

The 27. Article.

Since that the transport of the dignities of the Prince-Electorship, is passed vnto *Maximilian* Duke of *Bawaria*, and is confirmed by the most holy Father, Therefore it is no longer in the Emperour, nor in the King of *Spaines* power, to place that Arch-Heritick the *Palsgrau*, or his heires in that dignity and dominion, out of which their Father is cast, nor to place him againe in the Electorship, in regard that these Controuersies doe belong to the most holy Apostolicall seat, and neither to the Emperour, nor the King of *Spaine*.

The 28. Article.

Sincethat the Pope hath confirmed the transport of the Electorship: so is that demand (which the King of *England*, the King of *Denmarke*, the *Saxon*, and the *Brandenburgher*, of the restitution of the *Palsgrau* into his dignities and Electorship) which they seeke of the Emperour very vnreasonable: for the requiring thereof is nothing else, but the detruding of the Apostolicall seat (from the right of her Maiestie, and to attribute vnto the Emperour the fundamentall original, contrary to the antiquity and Sanctity of the Church and Empire: And therefore the holy Father shall be warie, that from such like conniueance there ariseth not a greater discommodity to the farther ruine of the Church.

The 29. Article.

TO the end then that the Essence of the Church may be preserved in her Antiquity and Sanctity: The most illustrious Pre-

and strange Articles.

Prelates, the Cardinalls, with one consent and accord haue sworne, that the Holy Father hauing permitted the confirmation, on *Maximilian* the Duke of *Bawaria*: may not reuoke the same without preiudice of the most holy Apostolicall seat, and are bound by the lawes of God, simply to maintaine the aforesaid Duke of *Bawaria* with one common hand, with conioyned power of the whole Church, and with force of Armes, in the dignities of the Prince-Electorship.

Here followeth the Censure, or Consideration vpon the aforesaid Articles.

Here are presented vnto vs 29. Articles, from the Prelates of the Romish Church, whose Elegancie is not much to be commended, and doe tend to the preiudice of *Germany*: for the better examination whereof, we will course through all the members or particulars, and to the end that no man may be bewitched therewith, we will administer vnto the simple an Antidore against this poyson.

The beginning shall be of the three first Articles, wherein the Clergy of *Rome* doe imagine vnto themselues a most excellent growth as well of the Iurisdiction, as of the Temporall goods.

To speake in order of both these: I say the Pope for as much as he is Pope, hath no Iurisdiction at all, but for as much as he is enriched by the liberality of Princes, he hath also his owne lands, and

A Censure vpon the Articles.

hath a certaine Iurisdiction, which is well to be vnderstoode in his owne lands: But in the Empire where he hath no place amongst the Princes of the Empire: no Iurisdiction may be allowed him, without deminishing of the Emperiall Maiestie: Let no man suffer himselfe once to be moued for that which hath bin so long said, that the Pope of *Rome* is in the place of Christ here vpon earth. Christ himselfe denied that his Kingdome was of this world. The Disciple is not mightier then his Master, nor the seruant greater then his Lord.

What is more euident and plaine, then that which Christ himselfe saith. Let the Kings of the Nations beare rule, but with you it must not be so: neither is that firmer that they hope for the victory, from the triumph, and other proofes, wherewith they haue alwayes defended their cause, that Christ said, All power is giuen me in heauen and in earth: *Maldonatus* refuteth this with these words. Christ speaketh not here of all power, but of that which he gaue to the Apostles: that is of the power to obtaine and gather together his spirituall Kingdome, for which businesse hee sent out the Apostles; like as temporall Princes are carefull of their temporall goods, so are they also of their Iurisdicions. Here auaiileth that which the olde Father *Bernard* wrote to Pope *Eugenius*, in his first booke of Obseruations, Your power is ouer offences or sinnes, and not ouer possessions. These base and earthly things haue their Iudges, Kings and Princes of the earth; wherefore dost thou enter vpon other mens iurisdictiones? Wherefore dost thou thrust thy Sickle or Sythe into another mans Haruest? Morcouer, he saith in his eleuenth booke, Dominion was forbidden the Apostles, darest thou then vse it (*A Lord*) the Apostleship, or an Apostolicall person dominion, verily both these are forbidden you, if you will enioy both these at once. Therefore asketh *Hosiensis*, what shall we say of that which concerneth the Pope in worldly or temporall affaires? whereunto he maketh answere, with his Lord *Innocentius*, that vnto him, viz. the Pope, it concerned nothing at all. The same also may be read by *Iohn Parisiensis*, in the tenth Chapter of the power of Kings and Popes. This is long agoe tolde vnto them, but

A Censure vpon the Articles.

"but they giue it no audience, from hence ariseth the English complaint by *Mathew Paris*, where hee treateth of "*Henry* the third. That it is sufficiently knowne and found, "that the wrath of God is false vpon the Romish Church, "because their Magistrate and Regent, doe not diligently "apply themselves for the deuotion of the people, nor for the "gaining of soules; but to purchase Reuenues, and to scrape "money together.

Other Nations vsed very grievously to complaine thereof, and that with good reason, especially *Germany*, whose Princes long agoe seeking remedy hereof, were not very acceptable, who could neuer satisfie the Romish Clergie, with riches and dignities: from this vn-satiable gulf, also ariseth that they in the third Article, desire to cut off the conditions for their aduantage, which for the common peace sake, were receiued aboute seauenty yeares since at *Passow*. But it is not in the Popes power, not in the Clergie, to breake that which was concluded by a generall Councell of the States, where the Authority of *Charles* entertained.

Heere followeth the Censure vpon the second part, which extendeth it selfe farre larger then the first, in regard that it not onely sheweth the Cardinalish Prince, but that which lyeth next vnder. This afore-said part containeth 20. Articles, in which they with the like proofes doe proceede, as yet seemeth: yet their object indeede is something else, more then in the former. In which it seemeth to be sufficient to *Michael Loniga*: That if the Duke of *Banaria* could but be perswaded, that hee would seeke for the consent of the Pope, in those dignities where he was honoured. In such manner the chiefest Cardinals doe take thereynes of good reason too too long into their hands; Nay, as *Phaeton* vpon the Waggon of their Auarice, to the great danger of the world, and more especially of *Germany*, doe ride out of the common rout of the Popes: like as if it were a matter of no moment, to pronounce such an horrible sentence of the Transport of the Electorship

A Censure upon the Articles.

of the *Paisgrau*, and the occasion thereof: whereof we will not now dispute, and so they fall aboard the Prince-Electors of *Saxon* and *Brandenburgh* in the behalfe of the Rights of the Election: what is it else but with the like thunderbolt to dash the heads of the sacred Empire? they say they are Heretickes; It is now no time to enquire after heresie, but rather soundly to dispute, whether that a Bishop like as hee hath right to excommunicate a man for heresie; Whether therefore hee hath the power also to rob and spoile a man of his dignities and meanes? verily therein is great difference: Christ commaunded that the excommunicated should be counted as an Heathen or Publican: but in no place willett hee that men should rob the Heathens or Publicans of their Authority, or should spoile them of their goods. Christ himselfe paid Tole vnto the publicanes, and by his example, hath shewed vs the way what we should doe. The Apostles liued vnder Heathenish Emperours, and were obedient to their lawes: in like manner also were all their Successors: nay the Apostles being obedient, vsed to pray to God for them: There saith *Tertullian* in his Analogie, in the thirtieth Chapter, wee inuoke "the eternall God for the prosperity of the Emperour, praying that he may haue a long life, a peacefull gouernment, "an establisht habitation, strong Armies, faithfull Councellours, and a peacefull world: When *Julian* left Christianity, and betooke himselfe to Heathenisme, did the Christians then detrude him forth of his Empire? When they heare of this, then will they contend with later examples, saying, Wherefore then may not the Pope, by the same right for heresie, transport the dignity of the Prince-Electorship vnto another, since that Pope *Leo* the third, for the same occasion transported Empire from the Grecians vpon the *Franckes*? This is that *Achilles* which so boasts in the Colledge of the *Cardinalls*, but yet he is not strong enough to take in our Citie of *Elium*. They abuse themselues exceedingly with this example; first from the Act of the Pope, they conclude the iustnesse of the Act, if we may so drine our Arguments, there is no Act of any man

man, but it may be found fault withall : they erre also herein, that they affirme that to be done, which was neuer done.

We know it all of vs, that the Empire was transported, but withall that it was done by the councell of *Rome*, as also all *Italy* consented thereunto, either priuately or publicly. Of the westerne people I will passe over in silence; They say againe that we haue many Writers, which make repetition of that which *Leo* did; who denieth that : but they commend *Leo*, as being one of the chiefest citizens, and so had the greatest respect of any man in the City : they commend him also as being Bishop of *Rome*, who with his hands was to set vp the crowne, as being a sign or representation of the Empire ; Therefore these writers were in no heretic, because they meant that either *Leo* did the same alone, or else principally could haue done it. Many other who are no lesse in number, nor in respect then these, doe relate vnto vs the cleane contrary : they say expressly, that the same was done and performed according to the decree & will, as is aforesaid
 " of the Councell of *Rome*. *Sigebertus* saith in the yeare
 " 801 : The *Romans* now, who long agoe had with-
 " drawne their affections from the *Constantinopolitan* Em-
 " perour, as then finding very good opportunities be-
 " cause that a woman, when the Emperour *Constantine*
 " was deprived of his sight, gouerned them by his Son :
 " then proclaimed they with one accord the Emperour
 " *Charles* for their Emperour, they crowned him by the
 " hand of Pope *Leo*, they stiled him Emperour and *Au-*
 " gustus. A popish writer *Theodoricus de Niem*, who after-
 " wards was Bishop of *Norden*, saith, about the very time
 " of the Coronation the people of *Rome* made a Law ac-
 " cording to the old custome, but it was very trouble-
 " some to recollect all things that happened so often :
 " therefore the sentence, right and power of the Empire,
 " was left vnto the Emperour as we finde it written then
 " the people of *Rome* transported all this vnto *Charles*, &

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“ gave vnto him all their right and powor. *Blondus* also in his first book, decad 2 : and *Anas Silvius*, or *Pius 2.* in *Blondus* his short relation : also *Iacobus Wymbelings*, in his short relation of the people of *Rome*, in the xi. Chapter, doe affirme that the Coronation by *Leo*, was performed and done with the knowledge, and at the entreatie of the people of *Rome*. These are the wordes of *Onuphrius Panuimus in fastis* : *Leo* by the consent of the people of *Rome*, and at the entreatie of the clergie of *Rome*; proclameth *Charles* Emperour. So that from these and others who affirme that it was done by the Councell, and the people of *Rome*; must those writers be interpreted, that they doe not confirme, nor yet deny the same ?

How much more is it to beleue that which is confirmed by witnesses, which is denied by none : then not to beleue those which doe confirme the same, because that all of them do not affirme; although there be no body that doe deny the same : for after this manner writeth *Michell Coccimius* very well, in his booke of the transport of the Empire; we must beleue that the same transport was performed, and had his power or operation from the consent and authoritie of the *Romans*, and other people of *Italy*. That which *Innocentius* the 3. wrote vnto *Bartold* Duke of *Zuringe*, doth not contradict the same: That the apostolicall seate of *Rome*; transported the *Roman* Empire vnto the person of the famous *Charles* from the *Grecians* vnto the *Germanes*, for in this wee consent : That the Apostolicall seate vpon no other meaning did transport the Empire, but that they who did transport the Empire, did consent thereunto, or else made declaration that they should transport the same. But such a transport hath had its power from the vniforme consent of the people.

Hence may very plainly appeare in what maner the transport which *Leo* performed was done, and by this meanes that is very easily ouerthrowne, which they say :
That

upon the aforesaid Articles.

That the Empire was transported for Heresie: the occasion of the transport is here formerly related out of *Sigisbertus*: the true cause thereof was, because the Emperours of the East did neglect, or were carelesse of the Westerne Empire and authoritie: and so (as is aforesaid) did let it passe; this we can confirme and approue with very firme testimony; *Lupoldus* saith in his fourth booke of the rights of the authoritie of the Empire, in this maner.

" The *Grecian* Emperour in the time of *Carolus Magnus*,
" nay before his time also, viz. when his Father *Pepin*,
" and his Grandfather *Carolus Martellus* liued, gouerned
" onely with the name of the Westerne Empire: so that
" neither the Romish Church, nor the other Christian
" Congregations, nor those of the *Longobardes*, who
" were contrary to all law suppress, could either by the
" Easterne Emperour, nor by their authoritie obtaine
" any right in the Westerne Empire: so that the aforesaid
" Emperours made no account nor reckoning of the
" Westerne Empire, but held it loosely as a derelict,
" onely commanding therewith the name, as appeareth
" in diuers Chronicles; Of the same opinion is *Iohannes*
" *Parisensis*, in his 16. Chapter, writing of the Kingly
" and papall power. It was not done by the Pope onely,
" but that it was the peoples desire, who may subiect
" themselves to whom they will, without preiudice to
" any other: and therefore that was done for a necessary
" reason, for to defend them against the Heathens and
" infidels, because they could not be defended by any
" other: which right they might doe: for the people
" make the King, and the Army the Emperour. *Anas*
" *Sylvius* in his booke of the rising, and authoritie of the
" *Roman* Empire, saith in the 9. Chap. At the last when
" the *Grecians* were carelesse of *Rome*, and leauing the
" same to be made a pray, and to be ransacked one while
" by the *Barbarians*, and also by others: the people of
" *Rome*, who with their blood had got such great riches,
" who by their valour had erected the Monarchie of the

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" world, saluted by the name of *Emperour, Carolus Magnus*
" *this King of the Franks, being a German borne*, who de-
" livered the Citie and the Holy place from the inva-
" sion of enemies: first greeting him with this title,
" *Patricius*: and afterwards *Augustus*: the Popes good
" will and pleasure hereunto concurring. Also saith
" *Nausetius* in his 27. *generat.* in the yeare 800, vpon the
" day of the Birth of our Lord, good deliberation proceed-
" ing: *Leo* the Pope of *Rome*, considering that the *Con-*
" *stantinopolitan* Emperours did very carelessly defend
" that name, and held the Westerne Empire as lost: he
" declared, with the consent of the people of *Rome*,
" *Charles* Emperour of the *Romans*, and crowned him
" with the Crowne; when the commonaltie of the *Ro-*
" *mans* three times cried out aloud, *Carolo Augusto, &c.*
" *Pantius Emilius* in his *Historie of the Franks*, saith
" thus: The Maiestie of the Emperours was now at this
" time, and before very slight; and there after he saith:
" the principallest of the *Romans* being of another cou-
" rage and audacitie, gaue their voyces, that the seate of
" the Empire being (as it were voyde) and possessed of
" none: as if it had beene Gods will, and had beene so or-
" dained: should be inuested with the King of the
" *Franks*, because that he by his seruice which he had
" done for the Church, had well deserued the same: and
" that they were obligde and bound to him, &c.

Michael Coccimus speaketh yet more plaine concer-
" ning the transport of the Empire, saying: When the
" *Romans*, and almost all the people of *Italy* by processe
" of time, and the Inuasion of many Nations and pilla-
" gings, as being subiect to the *Gothes*, *Vice-Gothes*,
" *Humes*, and *Lombardes*, and being not able with their
" owne forces to defend themselves, and the *Grecians* ta-
" king no care at all of them for the performance therof:
" say that which is more, they themselves heaping euill
" vpon euill, and vsing all diligence to suppress and
" spoile them, ysing to great auaricioufnesse and desire of
antho.

upon the Articles.

“authoritie ouer them; they marking the excessiue
“couetousnesse of the *Grecians*, and also their careles-
“nesse: obseruing also the worthinesse, capacitie, and
“equitie of the *Germanes*: they transported the Empire
“from the *Grecians* vnto the *Germanes*, and recommen-
“ded the same to *Carolus Magnus*; This transport of the
“Empire being effected by the *Romans*, and other peo-
“ple of *Italy*, and that with the common consent and
“authoritie of them all, out of all doubt had full power,
“and hath remained firme.

Hence appeareth plaine enough, that they are either
fooles, or else are much deceiued, which thinke that the
Empire was transported to the *Franks* for heresie.

This also is worthy consideration, that although the
Easterne Empire was transported by Pope *Leo* to the
Westerne, that the Pope hath now the same right to
remoue the Empire according to his will. In olde time
it was otherwise then it is now. Let vs grant that the
Pope of *Rome* had some right, as the best qualified citizen
of the citie; nay that the City (which neuer yet was done)
had transported all her power vnto him, what doth that
concerne these our present times, since that the Pope
hath driuen the Emperour out of the dominion of the
Citie. After what manner (say I) hereafter shall either
Rome it selfe, or the Pope of *Rome* pretend any right in
the electing of an Emperour, since they doe not ac-
knowledge the Emperour for their Lord; yea since it is
acknowledged that the prince Electors are to be ordai-
ned by the consent and voices of the States, and this is
by the approbation of *Gregory* the 3; hath not the Pope
lost his right when he consented hereunto? so that here-
by that authoritie which the Pope ascribeth to himselfe
is quite ouerthrowne. What a number of proofes might
be produced against this power of the Pope? yea also the
testimonie of principall personages, whoby reason of
their learning, are exceeding famous.

Here followeth the third part, which falleth very grie-
uouly

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uously both with tooth and naile vpon the bodies of all those that dislike the sentence of the Pope, and that consisteth in the three last Articles.

And first that is touched which concerneth the election, that is, the right of voice is taken from the Prince Elector the Duke of *Saxon*; vnder this pretext, because forsooth the Pope of *Rome* hath not confirmed that dignitie wherwith that family for these many yeares hath been invested, nor is it confirmed by the Pope: as if that illustrious Family had not been so wise, as neuer to haue required the same of the Pope. It is but too well knowne vnto them, that they whom the Hope glorieth to haue honoured with the name of Empire or Authoritie, that hee taketh away from them the maiestie of authoritie: so that his investing may well be called disrobing, and his crowning a dethroning or deposing. For I pray you, of what consequence is the confirmation of the Pope vnto those whom he driues into a bodily feare, if he had no temporall power? It is such as *Origen* long ago vnderstood to be, which he taught, as appeareth by his writings vpon *Matheu*, on his twelfth Homily: "Among you which are mine, these things shall not be; "to the end that those which haue any power in the "Church, doe not seeme to domineere over their brethren, nor to vse any authoritie. For like as a necessitie "is imposed vpon temporall matters, and not left to the "will; and spirituall matters in will, and not in necessity: "so shall the dominion of spirituall Princes be confirmed "in loue, and not in bodily feare. If therefore the power of the prince Electors be from the Pope, because that the Emperiall power is from him, as our aduersaries affirme: how can they proue that the dignitie of the prince Elector must proceed from the Pope, if it be not needfull that the Emperour be confirmed by the Pope? There is a text that saith, The Army maketh an Emperour. The Glosse saith thereby, He is a right Emperour before he be confirmed by the Pope. This they of *Basil* vnder-

upon the aforesaid Articles.

understood very well; who after the death of *Lodowick*, where the Lord of *Bambergher* chiefe President made this answer: That Emperour which the prince Electors shall ordaine for vs, him will we accept of, although he haue no respect vnto the Pope. This appeareth in *supplemento Vrspergensis*. Nay that which is more; the Pope himselfe confesseth, that not the Empire it selfe, but the Emperiall title rested onely in him. Pope *Adrian* the fourth, in his Epistle to the Archbishop of *Ments*, *Tryer* and *Cullen*, saith: The name of the Emperour is from the Pope, but the Empire and Authoritie cometh from the prince Electors. Hence then is confuted that which is said in the 27. Article, since that the Pope hath confirmed the Duke of *Bavaria* in the dignitie of prince Elector, that then hot onely the King of *Spain* (who is there mentioned) but also the Emperour is bereaued of the power to restore againe vnto the *Palgrave* his hereditary possessions and the dignitie of the prince electorship. For if the Pope hath no power in the affaires of the Empire, then shall the Emperour by his doings not lose his right, much lesse any other Prince, if he before the Popes deed had any right of suffrage.

I am forced to stop my eares by the reason of that extreame proud and ambitious affront which is set downe in the 28 Article: That although the two most puissant Kings of *Great Brittain* and *Denmarke*, or the two illustrious prince Electors of *Saxon* and *Brandenburgh* should require of the Emperour that the *Palgrave* of the *Rhine* might be restored againe vnto his hereditary possessions and dignitie of prince Elector, that they then robbed the Seate of *Rome* of the right of its maiestie, and did attribute the power of the prince Electors dignitie vnto the Emperour. The Pope of *Rome* doth very falsly attribute that Maiestie vnto himselfe, which appertaineth to the Emperour, and to the Princes of the Empire and the States. Very falsly is the Pope of *Rome* called here, the Fountaine and Source of the prince Electors dig-

dignities, because that power is sprung out of the Council of the *Germane* Princes. Like as *Naucleius* saith, *Generat.* 34. The writer *Theodoricus Niemus* useth these words: The Princes of *Germanie* haue ordained it so. The very same also do other writers affirme. Neither do I deny that it was with the approbatiō of Pope *Gregory* the 5. Therefore the temporall dignitie is not chiefly from the Pope, for not the Pope, but the princes of the Empire doe represent the whole body and people of the Empire, in whom immediatly, as in the subiect the temporall power consisteth.

Nicholas Cusanus in his third booke of the catholicke concordance, in the 4. Chap. In my iudgement iudgeth very well thereof, writing in this maner, saith: The "prince Electors, who elected in the place of others, were" "(in the time of Pope *Gregory* the 5, being a *Germane*)" "ordained of the naturall kindred of *Orbo* and therefore it is not tollerable that the prince Electors should" "haue their power of electing from the Pope of *Rome*;" "(so that now, vnlesse he consented these should not" "haue it: or if he would, that he would take it from" "them.) I aske, who hath giuen the people of *Rome*" "power to elect an Emperour, but the Law of God and" "nature; for by way of a voluntary subiection, and consent in predecendencie, all sorts of governments are well" "and holy instituted: and afterwards there he setteth" "downe yet something else; the prince Electors that" "were constituted by the generall vniformitie of voices," "of all *Germanes* and others belonging to the Empire:" "in the time of *Henry* the 2. had their fundamentall" "power from the generall consent of voices of all, who" "by the law of nature might chuse themselves an Emperour, not from the Pope of *Rome* himselfe, in whose" "power it is not to giue to euery prouince a King or an" "Emperour when it please him, and when it doth not" "please him,"

Lastly, the *Articles* were sealed vp with this Oath.
That

That the Pope himselfe, without prejudice to his seate, may not reuoke the Electorship from the Duke of *Bauaria*, since that he hath confirmed him in that dignitie; nay, that all the ~~Princes~~ of the Romish Church, are bound with force of Armes to maintaine the Duke of *Bauaria*: and yet more, that all those that are of the Romish Church, are bound to bring all their force together to maintaine the same. So that the Romish Clergie disdaining the prerogatiue of Kings and Princes, doth very boldly determine and decide these controuersies which arise in the Empire, and threatneth to force them by warre who are not content with the Popes sentence; How illsaourly these things doe sure and agree with Pope and Clergie of *Rome*, is shewed vnto vs in that famous place of *Peter Damianus*, who lived in the yeare 1060, his words in his Letter vnto the Bishop *Firminus* are these.

" Like as the Sonne of God himselfe did ouercome all
 " the obstacles of this raging world, not by any prooue of
 " vengeance, but by constant patience, and inuincible
 " Maiestie: so fitteth it best that we rather suffer, and pa-
 " tiently endure the worlds raging with humilitie: then
 " either by taking Armes in hand, or requiting wounds
 " with wounds: especiall since that betweene the Em-
 " pire and the Priest-hood, the offices are seuerall; The
 " King shall vse the temporall Armes, the Priest shall put
 " on a spirituall sword, which is the word of God; *Paul*
 " saith of the princes of this world, that he beareth not
 " the sword in vaine, being a Minister of God, and his re-
 " uenger in wrath, vpon him that doth euill. King *Aza-*
 " *riah*, because he tooke vpon him the Priests office, was
 " stricken with Leprosie: so that Priests which shall take
 " vp Armes, (which is the worke of the Laitie) what
 " deserueth he? If now any man would object, that
 " Pope *Leo* oftentimes thrust himselfe into warres, and
 " yet for all that was a iust Pope: I tell you mine opinion.
 " *Peter* neuer obtained the Apostleship because he for-

"looke his Master; Nor *Dauid* the gift of prophesing,
 "because he defiled anothers mans bed. Here is not to be
 "considered of good and euill things according to the
 "desert of the possessors, but they are to be iudged accor-
 "ding to their owne qualities. Doe we reade any where
 "that Pope *Gregory*, who endured so many robberies and
 "pillages of the *Longbeards*, either did or wrot the like;
 "Doe we reade any where, that any of the holy and wor-
 "thy Popes did euer take vp Armes to make a warre: no
 "neuer in no place; grant then that the Lawes of the
 "ciuill Magistrate may narrowly sift, pry, and determine
 "any certaine question which ariseth in the Church: or
 "else determine and iudge of that which concerns not
 "the Iudgement seate of the ciuill Magistrate, by an E-
 "dict of the Councell, or an assembly of Diuines: to the
 "end that either by the iudgement of the Magistrate, or
 "the Iudicate of the Pope, there arise no warre which
 "might be accounted to our shame.

The Clergie men of *Rome* are altogether of another
 oppinion, practising and endeaouring almost nothing
 else but warre, not onely with their Armes, but also
 threatening others, and whilst they are doing this, they
 are not ashamed to affirme, that they are bound thereun-
 to by the Lawes of God; Let them obserue what Christ
 commanded the Apostle *Peter*, to put vp the sword into
 the sheath. Where hath euer God commanded the
 Clergie, that they should intermeddle in matters of tem-
 porall dignities, or should vndertake warres: much lesse
 that they should blow the Trumpet, or beate Allarmes as
 they do now. (haue I the desire of Dominion their God)
 Obserue diligently I pray you, that bloody Oath inten-
 ded by all the Prelates, to the end the fashion of the an-
 cient and holy Church might be maintained intire, like
 as if the fashion of their Church now were, as it was wont
 to be in former times; Let vs reade that which *Tertullian*,
Ambrose, *Augustine*, and other Writers, who subiect the
 Clergie vnder the power of the Temporall; Pope *Gre-*
gorious

upon the Articles.

gorius Magnus, writeth himselfe vnto the Emperour
" *Mauritius* these words: I the vnworthy seruant of
" your pietie: and a little after he saith yet farther, To
" this end authoritie is giuen to me from heauen aboue
" all men, that belong to my Lords the Emperours for
" pietie cause; When as the said *Mauritius*, would haue
that Pope *Gregory* should publish a law which he had
made: and this Pope adiudging the same to be vnreason-
able, and opposing the liberty of the Church: he there-
fore did not blasphemie against the Empire, but was o-
bedient vnto the command of the Emperour his Master,
not dissembling to speak his minde and opinion of the
Emperours Law: these are the Popes owne wordes:
" I being subiect to authoritie, haue sent these Lawes in-
" to seuerall quarters of the world, and because they are
" not agreable to almightie God, I haue communica-
" ted the same vnto the Illustrious Lords, by amission of
" my owne opinion, so that I haue fully discharged my
" dutie on both sides: shewing as I am bound obedience
" to the Emperour: and not concealing my opinion in
" that which concerneth God.

Here ought we to obserue, how cunningly and craftily the Colledge of Cardinalls obserue and aime at the example of the ancient holy Church, chiefly in the time of Pope *Gregory* the 7: vnder which this lurketh, that this Pope *Gregory* was the very first who durst ascribe & take vnto himselfe the right of the Empire; At what time (I pray you) liued this Pope? about the yeare 1100. is the antiquitie whereof they boast; I may affirme with *Tertullian*, that this is noueltie; what holinesse was there in those dayes, when all maner of factions, cussenings, frauds, deceites, and villanies had their full swinge: and to write much thereof would be to dangerous, and be no honour to Christendome; Like as the Writer of those times affirmeth in the dayes of the Emperour *Henry* the 4. It is very well knowne vnto all men, what Cardinall *Bernus* hath written and translated of that Pope:

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(although Cardinall *Bellarmino* iudgeth that the same was written by a Lutheran,) In like manner, it is also but to well knowne by other Writers, who haue painted out in lively colours this Pope *Gregory* euen to the life. A certaine man named *Orthanius Gracianus*, very much addicted to the Romish Church, was the first publisher thereof in a booke, wherein are contained very many remarkable obseruations: out of the actions of this Pope *Gregory*, the Colledge of Cardinals, in the 19. Articles do conclude the Popes authoritie, and not out of these actions onely, but also of other Popes who haue delt most tyrannically with the Empire. One could also hit the Cardinalls in the teeth, with that which Cardinall *Bellarmino* in his second Booke of the Popes of *Rome* saith, in "the 29. Chap. vpon the 4. Argument, viz. That the "Christian Emperours haue oftentimes beene Iudges "of the Popes: whereunto very subtilly he inferreth or "answereth; That these things haue beene done, but "how well they haue done the same, and by what right, "that they themselves shall answer.

It is indeed much to be wondred at, that the Clergie men are grown to that passe, that they so stoutly attempt that which all the world hath in abomination, and with such polluted hands to lay hold vpon the most famous state of the Empire. We obserue also how shamelesse the Colledge of Cardinalls are, willing that we (from the euill lines and wicked actions of deceased Popes) should conclude how great the authoritie of the Pope is: at least they neede not to be so contumelious, and arrogant against those Emperours, which in former times the Popes haue acknowledged to be themselves seruants of the Emperours; The Pope also ought to haue in consideration that he by meanes of the Empire hath obtained so great riches, and now by the greatnesse of his power, and all manner of sensuallities, blindeth the eyes of many temporall princes.

How blind are the men of this age, when the Sunne
shineth

shineth so bright, how little do they know or think what will fall out in the end; he hath got so great treasures from those of the Empire, to the end that he wanting nothing, might give the better luster vnto his religion: now abuseth he these gifts, by driving the Empire into a great feare. He is enriched with earthly countries, to the end he should enrich vs with the heavenly, and now they serue him to take away our earthly; He is enriched, to the end that by his religious care, we might liue in greater securitie in the Empire: now he careth not for that, although there be trouble raised in the Empire, so he may liue brauely and laciuiously; This is the reward of peruerterd liberaltie: so that for many ages it hath been "very truely said: Religion brought forth riches, and the "Daughter hath deuoured the Mother.

You props and pillars of the Empire, (most Illustrious Emperour, Princes Electors, Princes, and States) tollerate no longer this triumph and pride of the Romish Clergie: you see how boldly they violate the lawes of the Empire, they limite your established law, and preferre vnto you that which they do but thinke and inuent: leaning vnto you the bare name of the empire, but haue drawne the maiestie thereof long agoe to themselves.

What will this worke in the end, if you be content any longer with patience to behold or looke vpon the same, neuer thinke that they will omit to increase theirs, and decrease yours; You haue heard how they threaten you, and what they intend as enemies to prosecute: and you know that the abominable deeds which the Popes haue performed against the Emperours, doe serue them now for very faire examples.

Since then it is not yet to late, take counsell prouidently, that the Romish Cardinalls in the end may be glad to leaue their affronts, and their proud courage may quaille, vndertake firme and substantiall courses, that their dissolute and insolent desire of dominion may be restrained and bridled: then shall the Maiestie of the empire be

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preferred, whereunto Almighty God give you his
blessing in all your consultations, from whom
you have received the possession
and government of
the Empire.

FINIS:

